

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

MATTHEW FRYE, JR.,

Plaintiff,

V.

CHRISTOPHER SHUCKRA,

Defendant.

CASE NO. 1:14 CV 309

JUDGE CHRISTOPHER A. BOYKO

MEMORANDUM OF OPINION
AND ORDER

On February 13, 2014, Plaintiff *pro se* Matthew Frye, Jr. filed this action against Defendant Christopher Shuckra. Plaintiff, a federal inmate at the United States Penitentiary in Adelanto, California, alleges that Defendant - a Connecticut resident - did not perform any services after Plaintiff paid him \$350 to assist in filing a lawsuit.

Although *pro se* pleadings are liberally construed, *Boag v. MacDougall*, 454 U.S. 364, 365, (1982) (per curiam); *Haines v. Kerner*, 404 U.S. 519, 520 (1972), a "district court may, at any time, sua sponte dismiss a complaint for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil procedure when the allegations of a complaint are totally implausible, attenuated, unsubstantial, frivolous, devoid of merit or no longer open to discussion." *Apple v. Glenn*, 183 F.3d 477, 479 (6th Cir.1999).

As an initial matter, this Court is not a proper venue for this action, as none of the events alleged in the Complaint occurred here and neither party is located in this District. *See*, 28 U.S.C § 1391(b). Further, there would be no point in transferring the case to a court where venue would

otherwise be proper, because Plaintiff does not set forth a claim over which any federal court might have jurisdiction. That is, he does not invoke a federal statute in support of his claim, and any claim he seeks to assert based on diversity of citizenship falls well short of the \$75,000.00 jurisdictional required under 28 U.S.C § 1332(a).

Accordingly, this action is dismissed . The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

s/ Christopher A. Boyko
CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE

DATED: July 7, 2014